

### Remarks

1. Claims 1, 2, 5-16, 40, 41, 44, 45, 48, and 49 continue to be rejected under 35 U.S.C. § 112, first paragraph, for failing to comply with the enablement requirement.

The Examiner alleges that the specification fails to teach those skilled in the art how a displacement fluid causes displacement of a liquid from a slurry feed. Referring to FIG. 1, the Examiner states that fluid entering nozzle 29 would follow the path of least resistance towards open chute 33. The Examiner asks a question about what will permit fluid flow in a direction of lower pressure (65 PSIA) to a region of higher pressure (210 PSIA) at the slurry inlet feed 27.

The Examiner is incorrect to assume the displacement fluid flows all the way to the slurry inlet 27. Rather, the displacement fluid flows into the interior of filter tubes 17 before reaching inlet 27, which in the example in the specification are kept at 14.7 PSIA. The slurry inlet at 27 must push upward against the forces of gravity, and accordingly there is a steep pressure gradient in the slurry cake formed inside the filter column 10 (shown in FIG. 2).

It is submitted that one skilled in the art would be able to make and use the invention based on the teachings of the specification. Rotary dump valves are commonly used to control pressure in pressurized product applications, and are well-known to those skilled in chemical engineering. A specification need not teach well-known components. Accordingly, the applicants respectfully request that the rejection be withdrawn.

2. Claims 1, 2, 5-16, 40, 41, 44, 45, 48, and 49 were rejected under 35 U.S.C. § 112, 1st paragraph, for failing to disclose the best mode contemplated by the inventor.

The Examiner states that a comparison FIG. 1 of the present application to FIG. 3 of the US 2007/022539 evidences concealment of the best mode and that "something is missing."

Referring to the enablement rejection, the Examiner makes an extraordinary allegation: "Applicants recognized the deficiency of this disclosure, and attempted to remedy it in [US 2007/022539]".

The Examiner is asked to review MPEP 2165.03.

"It is extremely rare that a best mode rejection properly would be made in *ex parte* prosecution. The information that is necessary to form the basis for a rejection based on the failure to set forth the best mode is rarely accessible to the examiner, but is generally uncovered during discovery procedures in interference, litigation, or other *inter partes* proceedings . . . . Unless the examiner has evidence that the inventors had information in their possession (1) at the time the application was filed (2) that a mode was considered to be better than any others by the inventors . . . there is no proper basis for a best mode rejection." Emphasis added.

The Examiner simply has no evidence to support his allegation. The application, US 2007/022539, was filed 2 1/2 years after the filing the present application, and therefore the Examiner simply has no evidence the information was in the applicants' possession at the time the application was filed. Further, there is no evidence which mode the inventors considered to better than any others.

In view of the foregoing, the applicants respectfully submit that the claims are in condition for allowance. Should the Examiner wish to discuss the foregoing, or any matter of form or procedure in an effort to advance this application to allowance, the Examiner is urged to contact the undersigned attorney.

Respectfully submitted,



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